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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 RICHARD LAWRENCE STROHMETZ,

14 Defendant.  
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Case No. 2:13-CR-00271-KJD-CWH

**ORDER**

16 Presently before the Court is Defendant's Motion for Extention [sic] of Time under Equitable  
17 Tolling (#98). Based on the waivers contained in Defendant's Plea Agreement (#81), the Motion is  
18 **DENIED.**

19 Also before the Court is the Government's Motion for an Order Deeming Attorney-client  
20 Privilege Waived and Resetting Briefing Schedule (#101). Having read and considered the motion  
21 and good cause being found, it is **GRANTED.**

22 **IT IS HEREBY ORDERED** that the attorney-client privilege in 2:13-cr-00271-KJD-CWH  
23 between the defendant and Dustin Marcello, Esq., shall be deemed waived for purposes relating to  
24 Defendant's motion under 28 U.S.C. § 2255 to vacate, set aside or correct his sentence. Mr. Marcello  
25 shall, within 30 days of this order, provide the government with an affidavit or declaration addressing  
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1 Defendant's contention that "[he] asked Mr. Marcello to appeal several issues," but "[Mr. Marcello]  
2 did not." Further, Mr. Marcello may communicate with government counsel and provide supporting  
3 documentation regarding all matters put at issue in Defendant's motion.

4 The government shall have an additional 30 days, after receiving Mr. Marcello's affidavit or  
5 declaration, to file its response to Defendant's 2255 motion.

6 DATED this 31<sup>st</sup> day of March 2017.

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Kent J. Dawson  
United States District Judge  
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